

ZB# 01-31

**Estate of
Dennis P. Deyo**

14-2-1

01-31 - ~~Deys, Estate of Dennis P.~~
~~Marshall, Susan~~

14-2-1

Area - 2 fam. to single
in PG zone

Prelim.

June 25, 2001

SEQR 4.

Public Hearing:

Aug. 13, 2001.

Approved

for Two-family

use, plus

area.

Variances

Refund: \$113.00

Table of Use/Bulk Regulations
Planned Industrial (PI)
Town of New Windsor
Part 1
[Added 3-5-1986 by L.L. No. 1-1986;
amended 4-7-1999 by L.L. No. 2-1999]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Uses Permitted by Right	Uses by Special Permit of the Planning Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/ Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Development Coverage (percent)	Permitted Accessory Uses	Permitted Accessory Signs	Minimum Off-Street Parking ³ (number of spaces)
1. Professional, business, executive, administrative, medical and veterinarian (not including boarding) offices and buildings 2. Businesses which combine office space with a warehouse or a center for the distribution of products wherein such warehouse or distribution center is incidental to the main purpose of the business ¹ 3. Businesses which combine office space with a research laboratory or its equivalent for the purpose of testing a product or products, provided no manufacturing or assembly ¹ 4. Laboratories and related offices engaged in product testing and research ¹ 5. Assembly or packaging of products from previously prepared materials, including cloth, plastic, paper, leather and precious or semiprecious stones ¹ 6. Manufacturing, assembling and/or packaging of electronics and electric components, instruments, precision tools and time pieces ¹		40,000	150	50	15/40	20	N/A	12 inches per foot of distance to the nearest lot line	0.6	N/A	N/A	1. Accessory parking 2. Accessory loading 3. Accessory signs 4. Accessory to commercial agriculture operations, barns, silos and produce storage and packing warehouses, provided that such accessory buildings shall conform to the yard requirements for principal buildings 5. Home occupation, subject to § 48-37 6. Garden houses, toolhouses, playhouses and garages, subject to § 48-14 7. Swimming pools, subject to § 48-21G 8. Private garages accessory to the principal use of the lot 9. Keeping domestic animals as follows: not more than a total of 3 cats or dogs over 1 year old, not more than 2 horses, plus their foals not over 1 year old, not more than 10 fowl and not more than 2 of any other species of domestic animals; excluding, however, all pigs and cattle. Any animal, other than a domestic animal, shall be restrained such that said animal cannot enter any portion of the premises that is within 75 feet of any property line	Refer to § 48-18, Supplementary sign regulations	1. Outdoor recreation areas with no buildings: 4 spaces per acre; with buildings: as determined by the parking requirements for the building use, including but not limited to retail stores, restaurants, eating and drinking establishments 2. Boat docks, marinas, clubhouses: 1 for each 2 slips, plus the use of the building or clubhouse 3. Buildings or open stands for the display and sale of agricultural products: 1 for each 5 feet of front wall of such stand or 300 square feet of floor space, whichever is greater 4. Railroad, public utility, radio and television transmission antennas and rights-of-way: 1 for each 150 feet of building space 5. Home occupation: 4 per dwelling including the 2 required for residential use 6. Home professional office: a minimum of 4 including the 2 required for residential use, or more, as determined by the Planning Board in connection with a special permit

NOTES:

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² Special permit by the Town Board required.

³ Subject to expansion by the Planning Board in connection with site plan approval.

**Table of Use/Bulk Regulations
Planned Industrial (PI)
Town of New Windsor
Part 2
[Added 3-5-1986 by L.L. No. 1-1986;
amended 4-7-1999 by L.L. No. 2-1999]**

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Uses Permitted by Right	Uses by Special Permit of the Planning Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/ Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Development Coverage (percent)	Permitted Accessory Uses	Permitted Accessory Signs	Minimum Off-Street Parking ³ (number of spaces)
7. The following commercial agriculture operations and accessory uses thereto, provided that there shall be no stable or similar animal housing nor storage of manure or other odor- or dust-producing substance or use, except spraying and dusting to protect vegetation, within 50 feet of any lot line: (a) Raising of field and garden crops, vineyard and orchard farming and the maintenance of nurseries	1. Trailers for business, office and commercial purposes not exceeding 6 months' duration ¹ 2. 1 dwelling unit only on any lot for the exclusive use of an attendant, watchman or caretaker employed in connection with any permitted use on said lot	40,000	150	50	15/40	20	N/A	12 inches per foot of distance to the nearest lot line	0.6	N/A	N/A	10. Accessory storage within a wholly enclosed permanent structure of materials, goods or supplies intended for sale, processing or consumption on the premises 11. Storage of goods, equipment, raw materials or products accessory to any permitted use		7. Business and professional offices: 1 space per 150 square feet of total floor area 8. Medical and dental clinics or offices: 4 for each doctor or dentist, plus 1 for each examining or treatment room 9. Laboratory or research offices and manufacturing uses: 1 for every 2 employees in the maximum work shift or for every 400 square feet of floor area, whichever is greater
(b) Keeping, breeding and raising of cattle (including dairies), sheep, goats, pigs and horses and rental horses		20 acres												
(c) Keeping, breeding and raising of fowl on lots of 5 acres or more		5 acres												
8. Buildings, structures and uses owned and operated by the Town of New Windsor ¹ 9. Public parks and playgrounds ¹ 10. Recreational facilities, subject to § 48-21A ¹		5 acres		100	50/100	50	50	50	N/A	N/A	10			

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Table of Use/Bulk Regulations
Planned Industrial (PI)
Town of New Windsor
Part 3
[Added 3-5-1986 by L.L. No. 1-1986;
amended 4-7-1999 by L.L. No. 2-1999]

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O
Uses Permitted by Right	Uses by Special Permit of the Planning Board	Minimum Lot Area (square feet unless otherwise designated)	Minimum Lot Width (feet)	Required Front Yard Depth (feet)	Required Side Yard/ Total Both Yards (feet)	Required Rear Yard Depth (feet)	Required Street Frontage (feet)	Maximum Building Height (feet)	Floor Area Ratio	Minimum Livable Floor Area (square feet)	Development Coverage (percent)	Permitted Accessory Uses	Permitted Accessory Signs	Minimum Off-Street Parking ³ (number of spaces)
11. Printing plant or publishing house ¹ 12. Mini-warehouses 13. Lumber and building material and equipment sales and storage, provided that any lot containing outdoor storage shall be surrounded by a fence or wall with a height of not less than 6 feet nor more than 10 feet ¹	3. Manufacturing, assembling, converting, altering, finishing, cleaning or any other processing or incidental storage of products or materials involving the use of only oil, gas or electricity for fuel and which operation, in the opinion of the Planning Board, will not create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, radioactive or other hazard; noise or vibration; smoke, dust, odor or other form of air pollution, electromagnetic or other disturbance; or glare, harmful discharge, storage or dispersal of liquid or solid wastes in a manner or amount as to adversely affect the surrounding area ¹	40,000	150	50	15/40	20	N/A	12 inches per foot of distance to the nearest lot line	0.6	N/A	N/A			
	4. Railroad, public utility, radio, television, cellular transmission antennas and rights-of-way ¹	10 acres	300	100	100/200	100		18	N/A	750	20			
	5. Bulk storage, including warehouses and oil and gas storage, above the ground ¹ 6. Manufacture of bricks or concrete blocks ¹	80,000	200	100	50/110	50	100	12 inches per foot of distance to the nearest lot line	0.1	N/A	N/A			
	7. Municipal refuse compacting and recycling centers: Refer to additional use regulations applying in all districts ¹ 8. Public utility, generating plant ¹ 9. Senior citizens ^{1,2} . Refer to § 48-23.1	25 acres	1,000	400	400/800	400	N/A	12 inches per foot of distance to the nearest lot line	0.1	N/A	N/A			

NOTES:
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APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Marshall Dyer Estate of Dennis C. Christie, Dwyer FILE# 01-31

RESIDENTIAL: \$50.00 COMMERCIAL: \$150.00
INTERPRETATION: \$150.00

AREA USE X

APPLICATION FOR VARIANCE FEE.....\$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES.....\$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 6/25/01 - 7 \$ 31.50
2ND PRELIMINARY- PER PAGE... 8/13/01 - 19... \$ 85.50
3RD PRELIMINARY- PER PAGE.....\$
PUBLIC HEARING - PER PAGE.....\$
PUBLIC HEARING (CONT'D) PER PAGE.....\$
TOTAL.....\$ 117.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING:..... 6/25/01.....\$ 35.00
2ND PRELIM..... 8/13/01.....\$ 35.00
3RD PRELIM.....\$
PUBLIC HEARING.....\$
PUBLIC HEARING (CONT'D).....\$
TOTAL.....\$ 70.00

MISC. CHARGES:

.....\$
TOTAL.....\$ 187.00

LESS ESCROW DEPOSIT.....\$ 300.00
(ADDL. CHARGES DUE).....\$
REFUND DUE TO APPLICANT..\$ 112.00

*Paid ck # 168
7/26/01
ck # 169*

Date 7/24/01.....,

TOWN OF NEW WINDSOR

**TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553**

TO Dawn D. Christie for Estate of Dennis DeLo DR.
40 Warner & Saffioti, 5031 Rt. 9W Newburgh, N.Y. 12550

[illegible]

ZBA #01-31

**Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611**

**RECEIPT
#703-2001**

07/26/2001

Deyo, Dennis (estate Of)

**Received \$ 50.00 for Zoning Board Fees on 07/26/2001. Thank you for stopping by
the Town Clerk's office.**

As always, it is our pleasure to serve you.

**Deborah Green
Town Clerk**

ESTATE OF DENNIS P. DEYO
DAWN D. CHRISTIE EXEC.

C/O WERNER & SAFFIOTI
5031 RT. 9W
NEWBURGH, NY 12550

29-1/213
9424049765

169

~~DATE~~ July 25, 2001

Pay to the order of TOWN OF NEW WINDSOR \$ 300.00

Three Hundred and no/100-----



27515

www.fleet.com
North Plank Road
Newburgh, New York 12550

25A

EX-31

~~PLUMPTON~~ Plympton St/Variance Fee

Dawn Christie
Admin.

⑆021300019⑆ 94240 49765⑈ 0169

ESTATE OF DENNIS P. DEYO
DAWN D. CHRISTIE EXEC.

C/O WERNER & SAFFIOTI
5031 RT. 9W
NEWBURGH, NY 12550

29-1/213
9424049765

168

~~2001~~ July 25, 2001

Pay to the order of TOWN OF NEW WINDSOR \$ 50.00

FIFTY and no/100



Fleet

ZBA.

27515

www.fleet.com
North Plank Road
Newburgh, New York 12550

#01-31

~~2001~~ Plympton St./Variance Fee

Dawn Christie
Admin.

⑆021300019⑆ 94240 49765⑈ 0168

-----X
In the Matter of the Application of

MEMORANDUM OF
DECISION GRANTING

**DAWN W. CHRISTIE, ADMINISTRATOR
OF ESTATE OF DENNIS P. DEYO**

USE VARIANCE

#01-31.
-----X

WHEREAS, DAWN W. CHRISTIE, Administrator of the ESTATE OF DENNIS P. DEYO, 263 Grand Street, Newburgh, N. Y. 12550, has made application before the Zoning Board of Appeals for a use variance to convert a two-family structure to a single-family structure located at 32 Plympton Street, New Windsor, N. Y., in a PI zone; and

WHEREAS, a public hearing was held on the 13th day of August, 2001 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared by Jeffrey Werner, Esq. on behalf of this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The Applicant showed through the testimony of a realtor that the property is located in a residential neighborhood. The property is approximately one-half an acre in size. The allowed uses in the PI zone in which it is located all require at least one acre, so any industrial use would require an area variance.

(b) The character of the neighborhood is residential, many uses being of a multi-family nature.

(c) It appears that the Applicant can locate the required number of parking spaces if a two-family use is granted.

(d) The area variances sought by the Applicant in addition to the use variance are pre-existing.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The Applicant cannot realize a reasonable return.
2. The hardship alleged relating to the property in question is unique and does not apply to a substantial portion to the district and neighborhood.
3. The requested variances, if granted, will not alter the essential character of the neighborhood by the area or use variances.
4. The alleged hardship has not been self-created because the character of the neighborhood has changed through no action on the part of the Applicant.

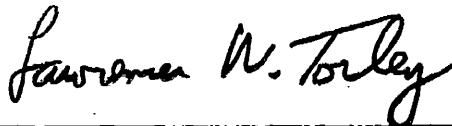
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a use variance to convert a two-family residence to a single-family residence at 32 Plympton Street, in a PI zone as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: November 26, 2001.



Chairman



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

July 20, 2001

27

Jeffrey Russell Werner, ESQ.
Werner & Saffioti, LLP
5031 Route 9 W
Newburgh, NY 12550

Re: 14-2-1

Dear Madam/ Sirs,

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$45.00, minus your deposit of \$25.00.

Please remit the balance of \$20.00 to the Town Clerk's Office.

Sincerely,

Leslie Cook
Sole Assessor

LC/bw
Attachments

CC: Pat Corsetti, ZBA

9-1-66.1
Naraghi Masud
C/o Torr International
12 Columbus Street
New Windsor, NY 12553

14-1-16.1
Ira Kroun
1 Columbus Street
New Windsor, NY 12553

14-8-3
Ann Szloboda
14 Ledyard Street
New Windsor, NY 12553

9-1-67
Geraldine & Brewster Paffendorf
1 Quassaick Ave
New Windsor, NY 12553

14-1-16.2
Victor Bosacky
15 Ledyard Street
New Windsor, NY 12553

14-8-4
Gloria Hryncewich
53 Brane Ave
Hawthorne, NJ 07506

9-1-68.2
County of Orange
255-275 Main Street
Goshen, NY 10924

14-1-17
Vincenta & Roberto Arocho
5 Ledyard Street
New Windsor, NY 12553

14-8-5
Celsa & Humberto Fernandez
15 Plympton Street
New Windsor, NY 12553

9-1-69.2
American Felt & Filter Company, Inc.
361 Walsh Ave
New Windsor, NY 12553

14-1-18; 14-1-19
Alice & Victor Bosacky
15 Ledyard Street
New Windsor, NY 12553

14-8-6
Lenora & Natasha Grable
313 Walsh Ave
New Windsor, NY 12553

14-1-1
Donna & Thomas Curtin
20 Hunter Road
Washingtonville, NY 10992

14-1-20
Mira Ellen Rumsey
C/o Mira Ellen Blythe
7 Perry Street
Morristown, NJ 07960

14-8-8; 14-8-9
Ezenia & Mario Espana
P.O. Box 4259
New Windsor, NY 12553

14-1-2
Marie & Roland Mitchell
27 Columbus Street
New Windsor, NY 12553

14-1-21
Carman Torelli & Ernestine Anderson
27 Ledyard Street
New Windsor, NY 12553

14-8-10; 14-8-11
Stella & Zygmunt Orzechowski
61 Blanche Ave
New Windsor, NY 12553

14-1-3
Isabel & Jorge Jimenez
25 Columbus Street
New Windsor, NY 12553

14-1-22; 14-8-1
Mario & Solomon Crisostomo
33 Quassaick Ave
New Windsor, NY 12553

14-8-12
Richard McGoey & William Hauser
C/o McGoey, Hauser & Esall
Consulting Engineers
45 Quassaick Ave
New Windsor, NY 12553

14-1-4; 14-1-5
Claudia Torracio
23 Columbus Street
New Windsor, NY 12553

14-1-24
Edward Reeves
19 Quassaick Ave
New Windsor, NY 12553

14-1-6; 14-1-10.11; 14-1-12;
14-1-13 & 23
Frank Francan
19 Columbus Street
New Windsor, NY 12553

14-2-2
Michael Lucas
146 Quassaick Ave
New Windsor, NY 12553

14-1-15
Margaret & Alfred Palumbo
186 Caesars Lane
New Windsor, NY 12553

14-2-3.1
10 Plympton Street Corp.
10 Plympton Street
New Windsor, NY 12553

Date 9/24/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
8/13/01		Zoning Board Mtg	75 00	
		Mz. - 3		
		Rodriguez - 2		
		Viera - 2		
		Conklin - 1		
		Steiner - 4		
		Betrix - 2		
		Panagiotopoulos - 3		
		Hofring - 3		
		First Columbia - 3		
		Deyo - 19 85.50.	202 50	
		Bothwell -		
		45	277 50	

DEYO ESTATE

Jeffery Werner, Esq. appeared before the board for this proposal.

MR. TORLEY: Request for use variance to convert two-family structure to single-family at 32 Plympton Street in a PI zone.

MR. WERNER: Good evening, my name is Jeffrey Werner, member of the law firm of Werner and Saffioti. We represent Dawn W. Christie, who is the administrator of the Estate of Dennis P. Deyo, who is the listed property owner of this piece of property. Mr. Dennis P. Deyo died unexpectedly at a relatively young age, I believe he was in his early '50's in February of 1999, I believe it was when he went to Atlantic City for a weekend and he had a brain hemorrhage and he died about 23 hours later. He died in testate without a will and we have since learned that he was divorced and he had three children by three different women who we had to track down and who were the heirs of his estate. They are all young people here, they are not minors, but they are young people and they are certainly unsophisticated in handling estates or selling property. I have also been able to cobble together some background to this piece of property. I have learned it was built in 1911 and although I can't recall off the top of my head the name of the people that built it, they built it as a bar with a residence above it in which they lived. The owners of the tavern and I think it was back in 1980's, the original owner sold it to Dennis P. Deyo who then continued to live upstairs and operate a bar. I have also been able to learn that approximately 1990, they had to close the bar and was unable to operate the bar, exactly what transpired I have not learned. But apparently, about 1990, he converted the bar into a second apartment and it's been two apartments ever since. Why all this comes forward all of a sudden is that in trying to close this estate that's now 2 1/2 years old, we need to sell this piece of property and we have been trying to sell this piece of property since two years ago and we did in fact think we had sold it and we had a contract and the people were eager to move in. And

when the title report was ordered and a violation search was ordered from the Town of New Windsor Building Department, we learned that it was zoned industrial and therefore, it was a non-complying, non-conforming use. Consequently, we have submitted an application that it continue to be operated and permitted to be continued as a two-family residence. I have Maria Gill here, who's prepared to testify with regard to the neighborhood, the efforts to sell it, what it's usable as, that sort of thing.

MR. KRIEGER: To your knowledge, there's been a residence there how long?

MR. WERNER: Since it was built, 1911.

MR. TORLEY: Now, my notes indicates that the use variance to convert from a two family structure to a single family, is that no longer your desire?

MR. WERNER: What actually happened was the people with whom we were in contract who asked their title company to do a title search and whose title company contacted the building inspector took it upon themselves to make application. They since ran into a time crunch, they needed a place in which to live and they consequently backed out of the contract because we could not convey to them title to a place in which they could live, they were the ones that made that application.

MR. TORLEY: Now, if this was a residence since 1911, even though it had a bar underneath it, if it was going to be decided to be as a single family residence now, would it need any variances at all?

MR. KRIEGER: It would need an interpretation from you that it is a pre-existing, non-conforming use as a single family residence if that's all he wants, that's all you have to--

MR. WERNER: Well, it's been operated since I believe 1990 as a two family, I know for a fact that since Mr. Deyo died, it's been operated as a two family and there have been two families living in it that pre-existed his death.

MR. TORLEY: But that would be an illegal conversion at that point.

MR. BABCOCK: The one family is not a problem, it's the accessory apartment is what our code says with a commercial building, there's no more commercial building, the bar went away, that's where the problem is, so even to have a single family house in a PI zone you need a use variance.

MR. TORLEY: But he couldn't call it a pre-existing use if it's there.

MR. BABCOCK: Now it's a pre-existing caretaker's apartment in an accessory commercial building. The bar is permitted there and in the bar, you're allowed to have above the bar one caretaker's apartment, so that was okay. And it was long before zoning and when zoning came into effect, it was still okay and then the conversion of it from a commercial establishment which was the bar with a caretaker's apartment to a two family is where the problem came in.

MR. WERNER: Because it was no longer an active use.

MR. BABCOCK: Right.

MR. TORLEY: I see by your survey that there seems to be a number of other structures on this property.

MR. WERNER: The best I can figure out, I'm at a bit of a disadvantage because the property owner's deceased, but I think they had something to do with the operation of the bar at one point.

MR. TORLEY: What I am looking at is a total of four structures on the property, if this is the whole property.

MR. WERNER: That's my understanding.

MR. TORLEY: What are the other properties?

MR. WERNER: They're like sheds and this is a roof over

a patio as labeled.

MR. TORLEY: The one in the back?

MR. WERNER: I think it may be a garage or storage thing, it's not, none of them are habitable. Miss Gills is much more familiar with the property than I am, she's the listing realtor.

MR. TORLEY: Let me open it to the public at this point.

MS. GILL: I know what the structure is, there are not four structures on the property. I believe after one point there was a deck extending from the property that no longer exists in the back, there's an open area where they used to have clambakes and barbecues, it has no water but it does have electricity, it has no sides but it does have a roof of sorts.

MR. TORLEY: Ma'am, if you wouldn't mind, can you, well, pass this around and you can show it to, here is a, which ones are which? It shows four structures on this piece of property. We're only discussing the main building, I want to know what the other pieces are and obviously, if they're in violation of the code, it will affect the transfer of title, too.

MR. BABCOCK: We're not saying that they're in violation either, we don't know that they're there, I do not have the benefit of that survey, I have a complete survey with no site plan.

MR. WERNER: This survey map I think goes back, does it have a date on it?

MR. TORLEY: '82, I think it says.

MR. WERNER: That's when Mr. Deyo purchased the property.

MR. TORLEY: Some of the structures are no longer in existence.

MS. GILL: There was a garage where he had kind of a

grease pit, that's gone as well, this is all that exists. The property, this is the structure and this open air whatever is all that exists, but it's just a wooden structure with no sides.

MR. MC DONALD: Like a pavilion?

MS. GILL: Yeah.

MR. KANE: So the framed structure up front to your right if you're looking at the paper is gone?

MS. GILL: This is gone, yeah.

MR. WERNER: Did you ever go to that bar?

MR. MC DONALD: No.

MR. WERNER: I was talking to somebody that did.

MR. MC DONALD: I know where it's at though.

MR. WERNER: Those photocopies of the building are the only ones I had. They came from an appraisal that was done in 1998 to refinance the property and that was shortly before Mr. Deyo passed away and they're attached to the back of it.

MR. FRANCAN: If I can take a minute of the board's time if I could? My name is Frank Francan and I happen to live and work in that particular area. Couple of complaints, I guess you could call it and things that I would like the board almost to keep in mind that, against ruling of making it a two family, my complaint and complaint that I've have had before with this particular property is that the parking which is, there's plenty of parking, just the whole corner that the building is situated on, it's just not, you know, viable for everyone to park on that corner and let alone let fire trucks to try to get through, of course.

MR. KANE: I think you're under a misunderstanding, they're not trying to make it a two family, they're trying to take it and make it a single family home.

MR. WERNER: No, we're not.

MR. TORLEY: They're trying to legalize the fact that it's a two-family house now.

MR. KANE: Because I have a request for use variance to convert two family to single, that's not what we're doing.

MR. WERNER: Our application states two family as it's been since.

MR. BABCOCK: The people that were going to buy it, to clarify that, he did mention it, the people that were going to buy it that came in the first time said they wanted to make it a one family, they no longer exist, they left, they couldn't buy it. These people now are saying they want to make it a legal two family as it is so they can sell it that way.

MR. TORLEY: Now--

MR. WERNER: Which is the way we have been marketing it unbeknownst to us that it was in a different use zone.

MR. TORLEY: Now then I think we have--

MS. CORSETTI: Excuse me, let me just clarify the preliminary meeting of Mr. Marshall, that was his name.

MR. WERNER: That was the previous contract purchaser.

MS. CORSETTI: He requested single family residence in the PI zone, that's how it got confused, but he didn't follow through with the paperwork. Then Mr. Werner had called and he followed through on behalf of Dawn Christie so when he filed these applications, it says right her permit property on which the improvements were built and occupied continuously to be used as two apartments.

MR. BABCOCK: We just didn't modify the agenda to match that, we used the old stuff.

MR. KANE: I apologize.

MR. WERNER: It's the same application.

MR. TORLEY: Now we're dealing with what's clearly then by no means pre-existing use, this is a straight use variance application.

MR. KANE: Okay, Mr. Francan, you can continue.

MR. FRANCAN: If I can have a few more minutes of the board's time. Number of other concerns that I have is a lot of times that there's a lot of trash around the area which if I go over, they do pick it up. It's kind of, I'd like to see something done, as far as some of the things that I had to do to bring it into a conforming, safety factors, the board should grant, you know, this whatever is needed. And again, I'd just like to see the area continue the improve as it's doing now and again, as well as the parking issue, I don't see why everybody couldn't park in the back. There's a ton of parking, there's clambakes and I remember years ago with people there. Again, it's kids jutting out on that corner, we can't get the fire trucks through. It's been a number of calls to the place which is a commercial establishment right across from where I live that needs fire protection as well as the other number of older people on the street that there's a concern there too and I guess my complaint would be to see that everything is followed properly and done as well as I have completed in the area.

MR. WERNER: If I can just respond and perhaps I can inform Mr. Francan Mr. Francan, we have had a troublesome tenant upstairs and one of the reasons we have been more than liberal with him is because there's an outstanding mortgage on the property and the rents are needed to pay the mortgage. But there's returnable in this room on Thursday night an eviction petition and that tenant will be either replaced or evicted.

MR. FRANCAN: Well--

MR. WERNER: So I think you'll see a lot of improvement.

MR. TORLEY: Don't say he'll be replaced yet.

MR. WERNER: Well, he's going to be replaced by something, maybe air.

MR. TORLEY: By state law, as I'm sure you're probably aware, a use variance is a difficult achievement. Are you willing now to show that there's no reasonable return possible for any permitted use on this property?

MR. WERNER: We think so, I mean, we think we're prepared to show that.

MR. TORLEY: How?

MR. WERNER: Through the testimony of Maria Gill.

MR. TORLEY: In that case, sir, if there's no other questions from the audience, then I'll close the public hearing, open it back up to the board.

MR. FRANCAN: Thank you.

MR. TORLEY: So, tell us if there's no reasonable return possible for any permitted use in a PI zone.

MS. GILL: Well, usually what realtors do is a CMA and we comp the property and see what we can sell it for. It was very difficult to do with this piece of property. Although in the tax records, it's zoned as residential double family, which is why I did find book 3966, page 209, records of the Town of New Windsor, at least in my search that it is zoned as residential double family.

MR. TORLEY: Being assessed as that for tax purposes.

MS. GILL: That's what I found in the tax purposes, that's what the realtor before me found, that's why we market it as such. Consequently, I was unable to do a market analysis and compare it to similar buildings that would have been industrial because it was industrial and you can't compare apples and oranges, you can't compare industrial with a residential. However, we did have the property sold twice as a

double family. There's also another offer on the table being negotiated as same, so I have reasonable assurance that I can sell it as such. I did a search of all the residential property in New Windsor and I firmly believe there are only four other properties that are zoned industrial that are on less than half an acre and only one zone less than this .51 acre of this particular property. So the overwhelmingly acreage of industrial properties in New Windsor is between one and, you know, upwards of 20 or 30. So, to my mind, any industrial customer would be looking for a great deal more property. Plus, if you know the area, it's a family area, it's a residential area. There are two-family houses across the street which you have some of them listed multi families. There's swing sets and wading pools and things of that nature. There's, I believe a law office and a CPA on the corner there of Walsh, but that's also a big old Victorian structure that looks like a house. Approximately, half a mile down on Walsh, there are two industrial sites, Patterson Materials and American Felt and Filter, Patterson Materials is on 24 acres, American Felt and Filter is on 24 acres and Patterson is on 3 acres. So the acreage is much larger.

MR. KRIEGER: This property is how big?

MS. GILL: .51 acres.

MR. KRIEGER: About half an acre, just a little over.

MR. WERNER: Let me ask if I may, the contract price of the last contract was how much?

MS. GILL: 85.

MR. WERNER: And if you were unable to market this as residential property, what's the reasonable likelihood of selling it for \$85,000?

MS. GILL: If I'm unable to market it?

MR. WERNER: As residential.

MS. GILL: You mean selling it as commercial industrial

for 85?

MR. WERNER: And you'd need an area variance.

MS. GILL: It's difficult to say, Jeff, my opinion it would be very difficult to sell as an industrial property but I have no documentation.

MR. WERNER: If you were able to sell it as an industrial property, what's the reasonable likelihood you'd be able to sell it for that amount of money?

MS. GILL: I couldn't sell it for 85.

MR. TORLEY: You're required to say a reasonable return, not necessarily a profit.

MR. WERNER: That's what I'm trying to get at.

MR. KRIEGER: He can make the argument as to reasonableness, I assume that he wasn't done just yet.

MR. WERNER: And would there be a substantial difference if you were to sell it or attempt to sell it as commercial property, would there be a substantial difference in the purchase price in your view after the research had been conducted?

MS. GILL: Yes, based on my research, but it would be difficult for me to give you a precise number.

MR. WERNER: A precise number?

MS. GILL: Yes, I would really hesitate to give you one.

MR. WERNER: And taking into consideration what price you might be able to obtain for this property as industrial, would you not also have to factor in the cost and expense of obtaining an area variance for the purchase, is that not a consideration?

MS. GILL: Yes, I would think so, absolutely.

MR. WERNER: The minimum zoning here is an acre,

obviously, it's zoned industrial. I think we've shown to the board we can't get a reasonable return on this property, I'm sure as counsel has probably told the board at other times this is not a plight of the owner that's due to unique circumstances, I think that the zoning here is unreasonable for the neighborhood where the neighborhood is as Miss Gill testified predominantly residential and substandard in area.

MR. MC DONALD: That was my question, you mentioned that there are two-family houses in proximity to this?

MS. GILL: Yes, there are.

MR. MC DONALD: Across the street you said?

MS. GILL: Yes.

MR. WERNER: As a matter of fact--

MR. MC DONALD: This is not an oddity to have two in this building?

MR. WERNER: Are there many residences in this neighborhood?

MS. GILL: Yes, I can't give you a count but on Ledyard and Plimpton, I would say 15.

MR. WERNER: Are some of them two families?

MS. GILL: Yes and maybe even three at this point.

MR. WERNER: So if this use variance were granted as a two family, would it affect the essential character of the neighborhood as a two family?

MS. GILL: Character's already established.

MR. REIS: Mr. Chairman, can I say something in support of this?

MR. TORLEY: Sure.

MR. REIS: We happen to be marketing the property,

right, I would say within 150 feet of this dwelling that's a four family of comparable size, okay, it's a four family, I'm very familiar with this location, the least impact on the neighborhood would be as a residential. This wouldn't support anything else without a major variance request.

MR. KANE: If it went commercial, would that also not only an area variance they would need parking depending?

MR. BABCOCK: I understand there's some parking around back but I'm sure in my mind--

MR. KANE: You got a one acre minimum.

MR. BABCOCK: Today's code they would have to go to planning board for site plan to re-establish that as a commercial use, they would have to meet today's zoning for everything that's in a PI zone. I can imagine that they'd have to have a variance probably relief of just about every area variance there is for setbacks, it's very close to the road.

MR. WERNER: I think we're two feet from the road.

MR. BABCOCK: Probably parking and I mean it's hard to say but just about everything.

MR. KANE: So, even if somebody came in and tore the house down, tore the existing structure down and built something new, you'd still need major variances to put something on that half acre in that particular zone?

MR. BABCOCK: That's correct.

MR. KRIEGER: Now, what's the minimum lot size for any use allowable in a PI zone?

MR. BABCOCK: You got me.

MR. KRIEGER: It's greater than this?

MR. WERNER: It's an acre.

MR. KRIEGER: Just wanted to put that in the record that every allowable use is at least an acre.

MR. TORLEY: Again, have you offered this property to any of the adjoining landowners like American Felt, if they wanted to expand their facility?

MR. FRANCAN: I'll offer you 85.

MR. WERNER: As what, a residential or commercial?

MR. FRANCAN: Two family.

MR. WERNER: The interesting point is as I indicated earlier, that photocopies of the pictures came from the appraisal in 1998 and I think at that time, the appraisal was 115,000 but we have been unsuccessful in marketing it for this kind of price, 85,000 I think was probably fair value.

MR. TORLEY: Now, if you were to obtain this, obtain this use variance, you have to show that the dollars and cents that you cannot get a reasonable return on the property as any permitted use, it's not a self-created hardship.

MR. WERNER: Well, the people that own it never created it, they inherited it.

MR. TORLEY: Doesn't change the essential character of the neighborhood, won't affect the health and safety. The only question I have on the health and safety, we have had complaints about the parking, if this were to become, if you were to obtain this variance, would you provide and require tenants to use the off-street parking? If you're only two feet from the road, they really have to be off street.

MS. GILL: The tenant downstairs does not have a car, the tenant upstairs has one car, so I don't know who's parking there.

MR. KANE: Understand that the variance goes with the property, not with the existing tenants that are there now so--

MR. WERNER: Is there a driveway?

MS. GILL: No, there's no driveway, there's a little--

MR. TORLEY: I see that there's many spaces for such parking to be provided. Now, if we made this a two-family house, how many parking spaces does a two-family house have?

MR. BABCOCK: Four, two for each.

MR. TORLEY: So I would suggest that if this use variance was granted, that you would have to meet the other requirements for two-family house, most especially four off-street parking spaces.

MR. WERNER: There is a driveway.

MR. TORLEY: Now, if this variance was granted to you to be a two-family house, it does not relieve you of any other requirements of two-family houses, such as fire escapes, all other safety requirements.

MR. WERNER: Are there fire escapes required of a two family?

MR. BABCOCK: Well, there's building code, whatever it is.

MR. TORLEY: It doesn't relieve you to the other factors.

MR. KRIEGER: Whatever they may be.

MR. TORLEY: Particularly, since you have an up and down apartment.

MR. MC DONALD: Fire escape, if he's two family, he's 14 foot.

MR. BABCOCK: Probably need it, I mean, probably look at it, I haven't looked at the building, so I couldn't tell you.

MR. TORLEY: I'm just telling that you if this variance is granted, it does not relieve you from other responsibility from the property.

MR. WERNER: Understood.

MR. TORLEY: Gentlemen, any questions you have at this time?

MR. REIS: Accept a motion?

MR. KANE: Yes.

MR. REIS: I'd like to make a motion with the, amending it that the town require four parking places off street, that they should provide for a driveway of some sort. Can we do that?

MR. BABCOCK: Yes.

MR. KRIEGER: You're allowed by law to attach reasonable conditions to the granting of any variance, if you make them a condition, if you move to grant them their request on those conditions and make those conditions part of it that you may do legally.

MR. REIS: Jeff, I'm recommending that, I'm making a motion that we pass or that we accept the variance with the proviso that off-street parking be provided for four vehicles.

MR. WERNER: That's fine. I also, Mr. Krieger, Mr. Chairman, we have indicated that I think if we do this by the letter, I have also asked for some lot requirement variances cause we're right on the front line so there's a 50 foot front yard requirement, I have indicated we have two, we're asking for a variance as to 48 and as to lot width 150 is required, we have 79, I'm asking for 71 and then finally, I guess that we should have a variance as to the area of the lot, it's an undersized lot in that zone and these are on page 2.

MR. KRIEGER: Yeah, it's undersized but it's pre-existing.

MR. WERNER: I put it in there.

MR. KRIEGER: If you're allowed the use, then you would be allowed the area, that would go along with it. Now, the rear yard, however, you cited the others that are short, the rear yard is in excess of the requirement?

MR. BABCOCK: Yes.

MR. KRIEGER: By how much?

MR. BABCOCK: Quite a bit.

MR. KRIEGER: Well, I want to put it in the record.

MR. WERNER: At least 213 feet.

MR. TORLEY: So we're looking at a side yard variance as well?

MR. WERNER: Yes.

MR. TORLEY: Front and side.

MR. WERNER: Front, side and possibly area.

MR. KRIEGER: But it looks like even if, just looking at that, even if the most restrictive measurement, he's still got one and a half, maybe two times what he needs as far as rear yard is concerned because of the shape of the lot, it would take him all the way to the back line, he's got in excess of three times what the code requires.

MR. TORLEY: We're left with a front yard and side yard variance, again because it's a use variance has always been a problem, what's the appropriate numbers to use, but let us assume that we're, if this was a two-family house in an R-4 zone, they would require, you're asking for variances from the requirements that such a structure would need to have in an R-4 zone.

MR. WERNER: Actually, the way I approached it was to meet the requirements in the zone in which it's located which is a Planned Industrial Zone and it's too close

to the front and it's too narrow.

MR. TORLEY: Well, it becomes an odd question when you get a use variance as to which ones you use, I tend to use the most restrictive ones, I think that's been our practice in the past.

MR. BABCOCK: Well, we know it needs a front yard, we're not sure of that number, depending on what calibration you want to use or what bulk table you want to use, we know it needs a lot width, we know.

MR. KRIEGER: What's the worst case in the front yard for what he would need?

MR. BABCOCK: He needs 40 feet for a two family. What zone do you want me to use?

MR. KRIEGER: What zone requires the biggest, the most amount of front yard for a two family?

MR. BABCOCK: R-1.

MR. KRIEGER: How much front yard does R-1 require?

MR. TORLEY: No, two family in R-1?

MR. BABCOCK: You said two family. It's R-3, I don't have that table with me.

MR. TORLEY: I would suggest then if you don't, Michael wouldn't mind, we can, I think it might be best if we table this until we get the right numbers for the area variances so we have no cause, this was not presented to us as it was written in the agenda, in any case.

MR. KANE: Is it more feasible to take it in a two stage, make the ruling?

MR. KRIEGER: You could grant, make the ruling on the use variance and then table the application as far as the area variance is required.

MS. CORSETTI: Or I can go get the table, if you want to do that, you can do that, too.

MR. TORLEY: I don't happen to have my book with tonight.

MR. WERNER: Not one in the building?

MR. TORLEY: I'm sure there is, I don't happen to have mine with me. We have to grant you a variance at a specific number, we just can't say--

MR. WERNER: I have listed here 50 feet. You're not sure?

MR. TORLEY: If 50 feet is more restrictive, I'd go with that.

MR. KRIEGER: Could it possibly be, Mike, in any zone that he'd be required more than 50 feet for a front yard?

MR. BABCOCK: No.

MS. CORSETTI: He's already got that in his application.

MR. KRIEGER: If he's applying for 48 feet, then even if by whatever measurement you take, you apply it, it's at less 50 feet, that's the worst case for him.

MR. BABCOCK: That's correct.

MR. KRIEGER: Now--

MR. WERNER: The width I've asked for 150 feet.

MR. BABCOCK: What do you have?

MR. WERNER: I have 79.

MR. BABCOCK: Okay, so the width would be 125 feet, so he's asking, he well exceeds that.

MR. TORLEY: So then we're in agreement that the requested variances applied for as far as area meet or exceed what would be the requirements in a zone where a

two-family house would be permitted and he's using more or less the industrial zone code. So, therefore, do you want to amend your motion to those? This is what he's asking for.

MR. REIS: Based on the PI zone, I make a motion that, I amend my original motion.

MS. CORSETTI: That motion didn't go through because nobody seconded it.

MR. REIS: That we give the applicant a requested variance for the minimum side yard, minimum front yard for a two family in a PI zone with also the proviso that four parking places be provided for off-street parking on the side or behind the dwelling.

MR. MC DONALD: Second it.

MR. WERNER: Do we need the area?

MR. KRIEGER: It would be better.

MR. REIS: And the area variance necessary.

MR. KANE: Read into the record, it would be 17,780 square foot lot area variance, a 71 foot lot width variance and a 48 foot front yard variance.

MR. MC DONALD: Second it.

ROLL CALL

MR. RIVERA	AYE
MR. MC DONALD	AYE
MR. REIS	AYE
MR. CANE	AYE
MR. TORLEY	AYE

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (845) 563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: 5/31/01

APPLICANT: Ginidir Marshall
367 Windsor Highway
New Windsor, NY 12553

COPY

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 5/29/01

FOR : Proposed conversion of existing two family to a single family home

LOCATED AT: 32 Plympton Street

ZONE: P-I Sec/ Blk/ Lot: 14-2-1

DESCRIPTION OF EXISTING SITE: Existing two family house

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing illegal two family house to be converted to a single family house, is not permitted in P-I zone.


BUILDING INSPECTOR

PERMITTED NOT

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: P-I² USE: 48-24-A

MIN LOT AREA:

MIN LOT WIDTH:

REQ'D FRONT YD:

REQ'D SIDE YD:

REQ'D TOTAL SIDE TD:

REQ'D REAR YD:

REQ'D FRONTAGE:

MAX BLDG HT:

FLOOR AREA RATIO:

MIN LIVABLE AREA:

DEV COVERAGE:

cc: Z.B.A., APPLICANT. FILE, W/ ATTACHED MAP

PLEASE ALL TO TEN DAYS TO PROCESS
PORTANT
YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

MAY 25 2001

BUILDING DEPARTMENT

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing, rough plumbing, rough electric and before being covered.
5. Insulation.
6. Final inspection for Certificate of Occupancy. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Call 24 hours in advance, with permit number, to schedule inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and here is no fee for this.

FOR OFFICE USE ONLY:
Building Permit #: 506

**AFFIDAVIT OF OWNERSHIP AND/OR CONTRACTOR'S COMP & LIABILITY INSURANCE CERTIFICATE IS
REQUIRED BEFORE PERMIT WILL BE ISSUED**

PLEASE PRINT CLEARLY - FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

X Owner of Premises ESTATE OF DENNIS P. DEYO, DAWN CHRISTIE, ADMINISTRATRIX

X Address 263 GRAND STREET, NEWBURGH NY 12550 Phone # 569-7139
c/o WERNER & SAFFIOTTI, LLP Phone 845-562-3500
Mailing Address 5031 Route 9W, Newburgh NY 12550 Fax # 845-562-3117

X Name of Architect n/a

X Address n/a Phone

X Name of Contractor n/a

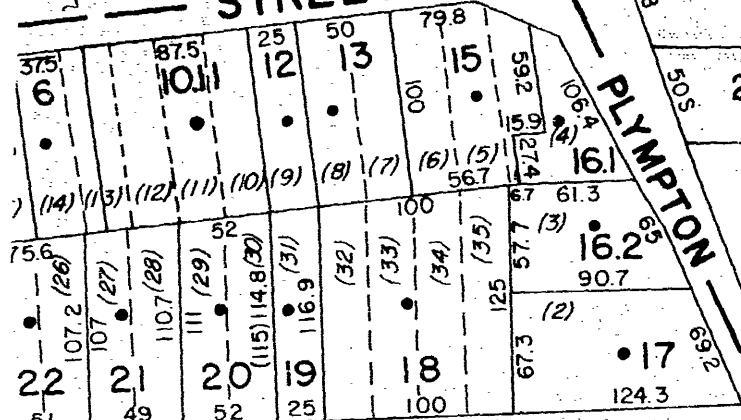
SECTION

9

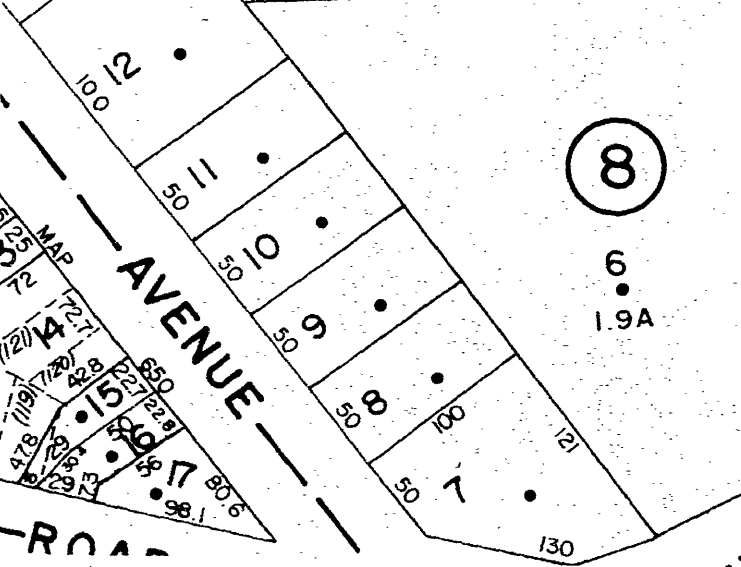
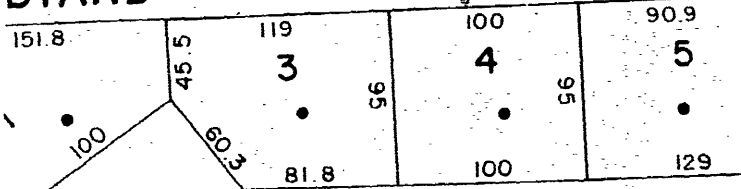
W/K/A COLUMBUS ST.

STREET

PLYMPTON



D.P. KELLY STREET



2

(A)

3.1
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8

6
1.9A

ST.

AMERICAN FELT & FILTER MAP

WALSH

AV.

NEW WIN
NEW W

MARSHALL, GINIDIR

Mr. and Mrs. Marshall appeared before the board for this proposal.

MR. TORLEY: Request for use variance for conversion of two-family residence to single-family residence at 32 Plympton Street in a PI zone. You don't own the property?

MR. MARSHALL: Not yet, but we have permission by the sellers to talk about this conversion.

MR. KRIEGER: Are you in contract to buy it?

MR. MARSHALL: Yes.

MR. TORLEY: Then if we go to a public hearing, we appreciate a proxy form from the owner saying that you're entitled to speak on his behalf.

MR. MARSHALL: There's a form for that.

MR. TORLEY: There's a form for everything.

MR. MARSHALL: In our request here we originally were looking at this property as a two family and that's the way it was being sold or that's the way it's being used right now, but as we find out, it's not zoned for that and the building when it was converted in the '70's to a two family, they didn't go through a building permit so it's in violation. So we can't get, obviously, we can't get a mortgage for this. And what we're more interested in instead of converting it to a single family which was supposedly the easiest step to gain it, we still want the opportunity to make it a two family cause that was our original concept. We have concept drawings, we have pictures of this.

MR. KANE: That's not going to be your problem up front. Your problem up front is going to be that you have to prove to us through a valid source that that property cannot be sold for a reasonable return which does not mean a profit for use as a single family home and that's by New York State law.

MR. KRIEGER: For any use allowed, not a single family, not in a PI zone. I don't think it's allowed in a PI zone so it's for any use allowed in a PI zone.

MRS. MARSHALL: I don't understand what that means. Would you try to explain it?

MR. KRIEGER: As you know, the Town like many towns is divided into zones. Each zone has a list in the law of what's allowable for use in that zone. Single family and two-family houses are not on the list for PI. In order to change the allowed use to allow a one or two family home, there are two possible processes for you to go through. One is to have the Town Board rezone the parcel or area and the second is to get what's called a use variance from this board. A use variance says that a particular piece of property can be used for a specific use other than what's allowed in the zone. Now, unfortunately, the state and not the town but the state has set down a rather stringent set of rules for when a use variance can be granted. It can't be granted by this board based on its desire or the members' desire alone. They have to follow the rules that the state law has mandated. Of the rules or laws that apply to the granting of a use variance, the one that's perhaps the most difficult, there are five of them, but the one that's perhaps the most difficult is the one to which Mr. Kane was alluding and that is an applicant must be able to prove that the particular property involved cannot be used for any use which is allowable in that zone, cannot get a reasonable return for any of those uses.

MRS. MARSHALL: You mean as an industrial site?

MR. KRIEGER: Whatever is allowed in the PI zone, there are a number of uses.

MRS. MARSHALL: We looked on the internet, saw some of the things.

MR. KANE: Tough part is reasonable return does not necessarily mean making money on the deal, you can lose money on the deal and still be able to sell it for a

proper use.

MR. KRIEGER: It has some value, maybe not a winning value, but some value.

MRS. MARSHALL: So how do you determine that?

MR. TORLEY: The fact that you have an existing structure that was being illegally used since the '70's.

MR. BABCOCK: It was, originally it was a bar with a caretaker's apartment, which is a permitted use in a PI zone. You're allowed to have a caretaker's apartment in any commercial building. What happened was is the bar apparently went out of business sometime in the '70's and they converted the bar to an apartment not telling anybody, so it was a two family since that time and then now they're trying to sell it and this is when it's all coming here.

MRS. MARSHALL: And we have plans for, elaborate plans for, you know, to fit whatever either a single family conversion.

MR. KANE: Again, it's--

MRS. MARSHALL: What should we do, are you saying we can't buy it?

MR. TORLEY: What we're saying the state made very strict criteria for use variances cause they don't want the Town to set up a residential zone, well, I want a use variance to put up a waste dump here. So they want to make it very difficult so it's, in your case, as Mike said, you have to show by state law that this property count be sold for any reasonable use, permitted use in the PI zone, it once was a bar with a caretaker's apartment.

MR. KANE: So you would have to get let's say a commercial realtor to come in on your behalf and prove to us with dollars and cents that he couldn't sell that particular piece of property to somebody that wanted to reopen the bar and have a caretaker apartment, for

example, or use it for another allowed use in there.

MR. BABCOCK: Maybe I would suggest that maybe they seek some legal advice on this.

MR. KRIEGER: Please note he said for example and these were examples he's giving you. This board is not allowed to give you legal advice which you're now coming perilously close to.

MR. MARSHALL: We apologize.

MR. KRIEGER: They are trying to indicate the difficulty involved, difficulty not of the making of anybody on this board or anybody on the Town Board for that matter. Difficulty which is handed to them from Albany. But nevertheless, it is difficult and it's something for which you should seek competent advice and it is essentially a legal question, it's not an engineering question, it's not necessarily a real estate question that a broker would be able to competently handle in order to coordinate a presentation to overcome sufficient, to have a chance of overcoming those obstacles, you'd need somebody who would, has the sufficient legal knowledge to coordinate this.

MRS. MARSHALL: I don't think that our current attorney has that knowledge, so I would need some advice on that.

MR. TORLEY: Speak to your attorney about that and whoever you speak to, make sure they're familiar with the entire set of problems with a use variance.

MS. CORSETTI: Also on here, on the notice of disapproval, it says proposed conversion of an existing two family to a single family home, you really should straighten that out with the building department as to what you're actually looking for. Are you looking for a two family cause this is misleading?

MR. MARSHALL: We were sort of advised.

MR. KRIEGER: If you want a two family, might as well

put it as a two family cause one family two family is not your problem, any family is your problem.

MRS. MARSHALL: The question was it would have to be converted to a two family before the sale took place and that was the difficulty.

MR. TORLEY: You have to be--

MR. KANE: You need legal advice.

MR. TORLEY: Brought into compliance with the law either a change in the zoning or a use variance.

MRS. MARSHALL: Could I just say that that, the area itself is definitely for the most, majority of it is residential, that's the use.

MR. KRIEGER: That may well be and that may play a prominent part in a presentation with regard to this. I can't say more than that at this point. When you have selected an attorney to represent you, feel free to have him call me directly and I will be happy to discuss this.

MR. REIS: What seems like a logical use since it's been this use for several years now doesn't necessarily prevail and you might have well been successful, I might also add that you might want to get the seller involved because there's some moneys that are going to be expanded here.

MR. KRIEGER: If for any reason their contract, the sale to you should not take place, the seller's left with a piece of property and a big problem so it's very much to the sellers' interest to do something.

MR. KANE: What we can do right now is to vote to go ahead and set you up for a public hearing, that in no way makes that hearing mandatory for you, if you decide not to pursue this further or if you need to delay it for whatever reasons be in touch with Pat to let her know.

MR. MARSHALL: But these commercial problems have to be

taken care of first before the hearing.

MR. TORLEY: No, at the public hearing.

MR. KANE: They are probably going to need some time to get the information together.

MR. TORLEY: Find an attorney, speak to him about the matter and a competent attorney in the area will know the code.

MRS. MARSHALL: Newburgh or New Windsor?

MR. KRIEGER: No, it does not have to be in Newburgh.

MRS. MARSHALL: Just in Orange County.

MR. KRIEGER: No doesn't have to be Orange County. What I'm saying it's a statewide law, so an attorney licensed to practice in New York State would be advisable beyond that the rest is helpful.

MRS. MARSHALL: We don't know a lot of people in the area.

MR. TORLEY: You say you have an attorney, speak to that attorney.

MRS. MARSHALL: Do I have something in writing from you so we can refer to what you directed us cause I'm going to like not be able to explain.

MR. TORLEY: When you speak to an attorney, any attorney who's competent to handle this matter will know the problem.

MR. KRIEGER: That's one of the reasons I did that is it would be easier to explain to it an attorney who knew something about this area of the law.

MR. REIS: I make a motion that we set up Mr. Marshall for their requested variance.

MR. MC DONALD: Second it.

June 25, 2001

18

ROLL CALL

MR. RIVERA	AYE
MR. MCDONALD	AYE
MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE

N/F THE AMERICAN FELT & FILTER CO.

509-31W

139.50'

N

N163-30E

RAMP

1.5'

FRAME BLDG.

ROOF D.H.

1.8'

273.80'

113.50'

186.12'

OVERHEAD ELECTRIC

POLE

FENCE

N/F HENRY A SLOBODA

N/F SALVATORE SCHISANO

S70-45E

23.0'

71.28'

S87-15E

POLE

UNPAVED DRIVE

BLOCK ADDITION

BRICK BLDG.

ROOF OVER PATIO

FRAME BLDG.

2.2'

7.3'

4.7'

OVERHEAD ELECTRIC

WALL

PLYMPTON STREET

78.69'

53.60'

N06-43-40W

2 POLES

COLUMBUS ST. (JOHN ST.)

NOTES:

1) UNAUTHORIZED ALTERATION OR ADDITION TO THIS MAP IS A VIOLATION OF SECTION 7209(2) OF THE NEW YORK STATE EDUCATION LAW.

COPIES OF THIS SURVEY MAP NOT HAVING THE ORIGINAL EMBOSSED OR INK SEAL OF THE LAND SURVEYOR SHALL NOT BE VALID.

GUARANTEES OR CERTIFICATION ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.

2) TAX MAP DESIG.: SECTION 14- BLOCK 2- LOT 1.

SURVEY FOR

DENNIS P. & SHERRY L. DEYO

TOWN OF NEW WINDSOR - ORANGE CO. - NEW YORK

SCALE: 1" = 30'

DATE: 10 MAR. 1982

JOB NO.: 82-16

ANTHONY D. VALDINA

REGISTERED LAND SURVEYOR

7 FIERPONT AVE.
NEWBURGH, N.Y.

N.Y.S. LIC. NO. - 49120

CERTIFICATION:

CERTIFIED CORRECT TO, COLUMBUS TRUST COMPANY; KAR-VIN ABSTRACT COMPANY; COMMONWEALTH LAND TITLE INSURANCE COMPANY; CLARA HUDIG MESSINA; AND DENNIS P. DEYO & SHERRY L. DEYO, FROM AN ACTUAL FIELD SURVEY MADE ON 4 MARCH 1982.

Anthony D. Valdina

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

01-31.Date: July 24, 2001I. ☒ Applicant Information:

- (a) Dawn D. Christie, Administratrix of the estate of Dennis Pete Deyo
(Name, address and phone of Applicant) (Owner)
- (b) 263 Grand Street, Newburgh, New York 12550 (845) 569-7139
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- (☒) Use Variance (☐) Sign Variance
- (☐) Area Variance (☐) Interpretation

III. ☒ Property Information:

- (a) PI 32 Plympton Street 14 - 2 - 1 .51 acre
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? _____
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? 1982
- (e) Has property been subdivided previously? No
- (f) Has property been subject of variance previously? Yes
If so, when? 2001
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? No
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: No
- _____

IV. ☒ Use Variance.

- (a) Use Variance requested from New Windsor Zoning Local Law, Section PI, Table of Use/Bulk Regulations, Col. A, to allow:

(Describe proposal) Permit property, on which the improvements were built and occupied continuously from 1911 until about 1990 as a bar and as an apartment and then continuously used as two apartments, to be used as two apartments.

(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

See IV. Use Variance. (b) annexed.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes No X.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section PI, Table of Use/Bulk Regulations Regs., Col. A.

Requirements	Proposed or Available	Variance Request
Min. Lot Area <u>40,000 sq.ft.</u>	<u>.51 acre (22,215 sq.ft.)</u>	<u>17,785 sq.ft.</u>
Min. Lot Width <u>150 ft.</u>	<u>79 ft.</u>	<u>71 ft.</u>
Reqd. Front Yd. <u>50 ft.</u>	<u>2 ft.</u>	<u>48 ft.</u>
Reqd. Side Yd. <u> </u>	<u> </u>	<u> </u>
Reqd. Rear Yd. <u> </u>	<u> </u>	<u> </u>
Reqd. Street Frontage* <u> </u>	<u> </u>	<u> </u>
Max. Bldg. Hgt. <u> </u>	<u> </u>	<u> </u>
Min. Floor Area* <u> </u>	<u> </u>	<u> </u>
Dev. Coverage* <u> </u> %	<u> </u> %	<u> </u> %
Floor Area Ratio** <u> </u>	<u> </u>	<u> </u>
Parking Area <u> </u>	<u> </u>	<u> </u>

* Residential Districts only

** No-residential districts only

(b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The area variance is in conjunction with the use variance.

See, IV (b)

(You may attach additional paperwork if more space is needed)

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation.

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

Date: July 24, 2001

Dawn D. Christie
(Applicant)
DAWN D. CHRISTIE

(a) Public Hearing date: _____

32 PLYMPTON STREET
NEW WINDSOR, NEW YORK
ESTATE OF DENNIS PETE DEYO

IV. Use Variance. (b)

Unnecessary hardship will result unless the requested use variance is granted, for the following reasons:

(1) The land in question cannot yield a reasonable return if used only for a purpose allowed in this P-I zone.

(a) The improvements on the property cannot accommodate or reasonably be adapted to accommodate the uses permitted by right.

(b) The minimum lot area for all uses permitted by right (40,000 square feet) is approximately twice that which constitutes the subject property (.51 acre).

(2) The difficulty is due to unique circumstances and not to the general conditions in the neighborhood. A showing of financial hardship and compatibility with existing land patterns is tantamount to special circumstances. Jayne Estates v. Raynor, 22 N.Y. 417, 425 (1968).

(3) The use to be authorized by variance will not alter the essential character of the locality. There are many residences located in this P-I zone and the vast number of lots in the zone being substantially undersized.

(4) The hardship was not self-created. The owner did not acquire the property for a use other than that permitted. Some eight years after purchase, the bar was closed as being uneconomical.

The estate does not possess assets or income, other than the subject property which is encumbered by a mortgage in the principal sum of approximately \$49,000.00. Even were it able the estate has no funds to improve the structures or acquire additional property, or to borrow said funds. Therefore, no other effort to alleviate the hardship is available other than this application.



KAR-VIN ABSTRACT CO.

CONTINENTAL ROAD, CORNWALL, N. Y. 12518

(914) 534-3854

GOSHEN (914) 294-6218

April 12, 1982

Silver & Forrester, Esqs.
807 Broadway
P.O. Box 2265
Newburgh, New York, 12550

Attn: Richard Schisano, Esq.

Re: Deyo from Messina with
The Columbus Trust Company
Title No. G767084
Our File NW-124

Dear Mr. Schisano:

Enclosed herein please find Policy of Title Insurance in the above matter.

Very truly yours,

Vincent J. Tangredi

VJT/kst
Enclosure

REPRESENTING
COMMONWEALTH LAND TITLE INSURANCE COMPANY

Title Insurance Policy

POLICY NUMBER

606-019234



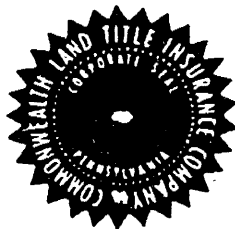
COMMONWEALTH LAND®
TITLE INSURANCE COMPANY
A Reliance Group Company

In Consideration of the payment of its charges for the examination of title and its premium for insurance, insures the within named insured against all loss or damage not exceeding the amount of insurance stated herein and in addition the costs and expenses of defending the title, estate or interest insured, which the insured shall sustain by reason of any defect or defects of title affecting the premises described in Schedule A or affecting the interest of the insured therein as herein set forth, or by reason of unmarketability of the title of the insured to or in the premises, or by reason of liens or encumbrances affecting title at the date hereof, or by reason of any statutory lien for labor or material furnished prior to the date hereof which has now gained or which may hereafter gain priority over the interest insured hereby, or by reason of a lack of access to and from the premises, excepting all loss and damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth in Schedule B, or by the conditions of this policy hereby incorporated into this contract, the loss and the amount to be ascertained in the manner provided in said conditions and to be payable upon compliance by the insured with the stipulations of said conditions, and not otherwise.

In Witness Whereof, Commonwealth Land Title Insurance Company has caused this policy to be signed and sealed on its date of issue set forth herein.

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Countersigned:



Authorized Validating Signature

[Signature]

President

Attest:

[Signature]

Secretary

COMMONWEALTH LAND TITLE INSURANCE COMPANY

Policy No. 606-019234

Title No. G767084

Name of Insured Dennis P. Deyo and Sherry Lynn Deyo

Amount of Insurance \$ 44,000.00

Date of Issue March 25, 1982

The estate or interest insured by this policy is fee simple vested in the insured by means of deed

made by Clara Hudig Messina, formerly known as Clara Hudig, to the insured dated 3/25/82 and duly recorded in the office of the County Clerk, County of Orange.

SCHEDULE B

The following estates, interests, defects, objections to title, liens and incumbrances and other matters are excepted from the coverage of this policy:

1. Defects and Incumbrances arising or becoming a lien after the date of this policy, except as herein provided.
2. Consequences of the exercise and enforcement or attempted enforcement of any governmental, war or police powers over the premises.
3. Any laws, regulations or ordinances (including, but not limited to zoning, building, and environmental protection) as to the use, occupancy, subdivision or improvement of the premises adopted or imposed by any governmental body, or the effect of any non-compliance with any violation thereof.
4. Judgments against the Insured or estates, interests, defects, objections, liens or incumbrances created, suffered, assumed or agreed to, by or with the privity of the Insured.
5. Title to any property beyond the lines of the premises, or title to areas within or rights or easements in any abutting streets, roads, avenues, lanes, ways or waterways, or the right to maintain therein vaults, tunnels, ramps or any other structure or improvement, unless this policy specifically provides that such titles, rights, or easements are insured. Notwithstanding any provisions in this paragraph to the contrary, this policy, unless otherwise excepted, insures the ordinary rights of access and egress belonging to abutting owners.
6. Title to any personal property, whether the same be attached to or used in connection with said premises or otherwise.
7. Mortgage made by Dennis P. Deyo and Sherry Lynn Deyo, his wife, to, The Columbus Trust Company dated 3/25/82 recorded 3/29/82 in Liber 1841 Mp. 195 in the office of the County Clerk, County of Orange.
8. Survey dated 3/10/82 made by Anthony D. Valdina, L.S. #49120 shows a brick building with block addition, two frame buildings, a covered patio, and a ramp within bounds. Two overhead electric lines are shown entering premises. Unpaved drive is shown leading to Columbus Street (John Street). A wall is shown attached to the most westerly building leading to and crossing over the southerly boundary line to premises now or formerly of Anne E. Swain.

SCHEDULE B (CONTINUED)

Policy No. 606-019234

Title No. G767084

9. Rights of tenants or persons in possession.
10. Grant in Liber 643 Cp. 164.
11. Underground encroachments and easements, if any, including pipes and drains and such rights as may exist for entry upon said premises to maintain and repair the same.
12. The amount of acreage is not insured.
13. Policy does not insure title to any land lying within the lines of any street, road, avenue, lane, turnpike or highway in front of or adjoining the premises described in Schedule "A" or which may cross over the same.
14. Subject to rights and easements if any acquired by any public utilities company to maintain its poles and operate its wires, lines etc., in, to and over the premises herein and in, to and over the streets adjacent thereto.
15. No personal inspection having been made by this Company, policy will except any state of facts an inspection would disclose.
16. Water meter and sewer rental charges accruing since the date of the last reading and building purpose or unfixed water frontage charges subsequently entered.

SCHEDULE A

The premises in which the insured has the estate or interest covered by this policy

ALL that certain piece or parcel of land lying, situate and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of Plympton Street, said point being 200' northerly measured along said street from the northwest corner of lands formerly of Anne E. Swain; and running thence, N 06° 43' 40" W 78.69' to a point; thence, N 62° 00' W 53.60' to a point in the southerly line of lands now or formerly of Salvatore Schisano; thence, along said line of Schisano the following three (3) courses;

- 1) S 87° 15' E 71.28' to a point;
- 2) S 70° 45' E 186.12' to a point;
- 3) N 69° 30' E 113.30' to a point at the northwesterly corner of lands now or formerly of the American Felt and Filter Company; thence, along the westerly line of said American Felt and Filter Company, S 09° 31' W 139.50' to a point at the northeasterly corner of lands now or formerly of Henry P. Sloboda; thence, along the northerly line of said Sloboda, N 77° 45' W 279.80' to the point or place of beginning.

ZONING BOARD OF APPEALS:TOWN OF NEW WINDSOR
COUNTY OF ORANGE:STATE OF NEW YORK

-----X
In the Matter of the Application for Variance of

Estate of Dennis Devo

01-

AFFIDAVIT OF
SERVICE
BY MAIL

-----X
STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. CORSETTI, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at
7 Franklin Avenue, New Windsor, N. Y. 12553.

That on the 26th day of July, 2001, I compared the 27
addressed envelopes containing the Public Hearing Notice pertinent to this case
with the certified list provided by the Assessor regarding the above application
for a variance and I find that the addresses are identical to the list received. I
then caused the envelopes to be deposited in a U.S. Depository within the Town
of New Windsor.

Patricia A. Corsetti

Notary Public

Sworn to before me this

____ day of _____, 20____.

Notary Public

SUBJECT PROPERTY PHOTO ADDENDUM

Circle Appraisers Ltd.
Real Estate Appraisals
59 North Street
Middletown, NY 10940
914-344-2685

1113231
File No. 00096316A



**FRONT VIEW OF
SUBJECT PROPERTY AT:**

32 Plymton Street
New Windsor, NY 12553
Appraised: 10/ 2/98
Appraised Value: \$106,000



**REAR VIEW OF
SUBJECT PROPERTY**



STREET SCENE

*Pls. publish immediately. Send bill to: Jeff Warner, Esq.
5031 Rt. 9W
Newb. Ny 12560*

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 01 - 31

Request of DAWN D. CHRISTIE for the Estate of Dennis Deyo

for a VARIANCE of the Zoning Local Law to Permit:

TWO-FAMILY RESIDENCE in P.I. zone;

being a VARIANCE of Section 48-12 - Table of Use/Bulk Regs. - Col. A

for property situated as follows:

32 PLYMPTON STREET, NEW WINDSOR

known and designated as tax map Section 14, Blk. 2 Lot 1

PUBLIC HEARING will take place on the 13th day of AUGUST, 2001 at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

Lawrence Torley
Chairman

By: Patricia A. Corsetti, Secy.

Date 7/7/01

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
7/25/01		Zoning Board Mtg	75.00	
		Misc - 4		
		Steiner - 1		
		Mirecki - 6		
		Maldonado - 2		
		Lorgan - 2		
		Mucci - 2		
		Bila - 3		
		Picerno - 2		
		Marshall - 7		
		Hofving - 3		
		Lawrence/Lorenzen - 11		
		DeFazio - 2		
		Thomas - 2	220.50	
		Morris - 2	295.50	
		49		

NW-124

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT - THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 25th day of March, nineteen hundred and eighty two
BETWEEN CLARA HUDIG MESSINA, presently residing at 152 Walsh Road,
 New Windsor, Orange County, New York, *F/K/A Clara Hudig*

P.
 party of the first part, and DENNIS DEYO and SHERRY LYNN DEYO, presently
 residing at 41 Maple Street, Newburgh, New York

party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN-----

----- (\$10.00) ----- dollars,

lawful money of the United States, and other good and valuable consideration paid
 by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or
 successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
 lying and being in the Town of New Windsor, Orange County, New York, and
 bounded and described as follows, to wit:

XD
KB
DC

BEGINNING at an iron bolt in Plympton Street distant 200 feet northerly from an iron bolt set in the ground in said Plympton Street at the northwest corner of lands now or formerly owned by Anna E. Swain and runs thence as the needle pointed in the year 1898 south 77° and 45' east for 279.8 feet to an iron bolt set in the ground, thence north 9° and 31' east passing 10.8 feet east of the south east corner of the frame house on the lot hereby intended to be conveyed, for about 139 1/2 feet to the southerly line of Mill Property now or formerly owned by Mrs. Harriet Weed, thence according to the lines described in a Deed from Walter C. Anthony, Referee, south 65° and 15' west about 113.3 feet to a sycamore tree, thence north 75° west for 2 chains and 82 links to a rock oak sapling marked, thence south 88° and 30' west for 1 chain and 8 links to a bend in the fence on the northerly side of a lane or road, thence south 66° and 15' east for 75 links along the northerly side of said lane or road, thence southerly along said lane or road about 80 feet to the said bolt at the place of beginning, containing .67 of an acre more or less, being according to a survey made by Everett Garrison, C. E. on December 5, 1904.

BEING and intended to be the same premises described in a certain deed by CLARA HUDIG, as surviving tenant by the entirety, who acquired titled by deed dated May 25, 1944 made by William Hudig, Anna Bidosky, Dorothy Denick, Margaret Zilavy, Julia McCurry and Andrew Hudig and recorded in the Orange County Clerk's Office on May 26, 1944 in Liber 931 of Deeds at page 367.

— — The premises being further described according to a survey dated 3/10/82, made by Anthony D. Veldina, N.Y.S. Lic. # 49120, as follows:

AMENDED SCHEDULE "A"

ALL that certain piece or parcel of land lying, situate and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

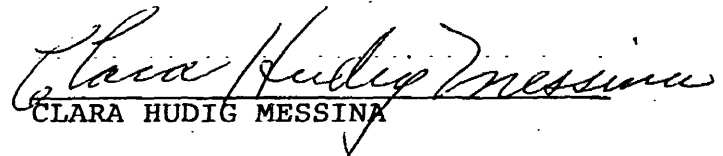
BEGINNING at a point on the easterly line of Plympton Street, said point being 200' northerly measured along said street from the northwest corner of lands formerly of Anne E. Swain; and running thence, N 06° 43' 40" W 78.69' to a point; thence, N 62° 00' W 53.60' to a point in the southerly line of lands now or formerly of Salvatore Schisano; thence, along said line of Schisano the following three (3) courses;

- 1) S 87° 15' E 71.28' to a point;
- 2) S 70° 45' E 186.12' to a point;
- 3) N 69° 30' E 113.30' to a point at the northwesterly corner of lands now or formerly of the American Felt and Filter Company; thence, along the westerly line of said American Felt and Filter Company, S 09° 31' W 139.50' to a point at the northeasterly corner of lands now or formerly of Henry P. Sloboda; thence, along the northerly line of said Sloboda, N 77° 45' W 279.80' to the point or place of beginning.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof,

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises,

TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.


CLARA HUDIG MESSINA

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

LIBER 2219 pg 61

SS:

On the 25th day of March 1982, before me
personally came

CLARA HUDIG MESSINA

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.

Notary Public-State of New York
Commission Expires March 30, 1983
Qualified in Orange County

55:

On the day of 19 , before me
personally came
to me known, who, being by me duly sworn, did depose and
say that he resides at No.

that he is the
of

in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

55:

On the day of 19 , before me
personally came

LIBEF 2219 PG 62

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

202

On the day of 19 , before me personally came the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at No.

that he knows

to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

Bargain and Sale Deed

WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE No.

NW-124

CLARA HUDIG MESSINA

SECTION

BLOCK

LOT

COUNTY OR TOWN

4842
131-

TO

DENNIS DEYO AND SHERRY LYNN DEYO

RETURN BY MAIL TO:

SILVER & FORRESTER

807 Broadway

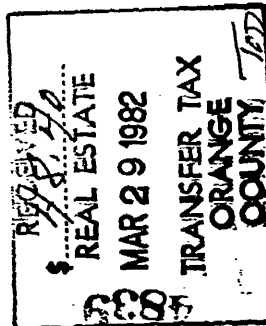
P. O. Box 2265

Newburgh, New York
Zip No.

12550

4842 - Silver & Forrester

serve this space for use of Recording Office.



Orange County Clerk's Office, S.S.

Recorded on the 29th day

of March 1982 at 1:48

o'clock H. M. in Liber. 3219

Deed at page

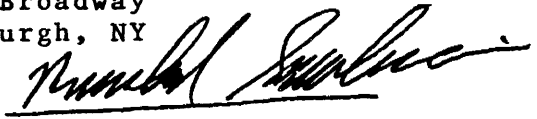
and Examined.

Marion S. Murphy
Clerk

Received this date, March 21, 1983, check number
B189294 from The Columbus Trust Company in the sum
of \$10,000.00 made payable to Clara Hudig Messina
in payment of mortgage note.

Silver & Forrester
Attorneys
807 Broadway
Newburgh, NY

by

A handwritten signature in dark ink, appearing to read "Richard Schisano", written over a horizontal line.

Richard Schisano

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

(This Page is Part of the Instrument)

DENNIS P. DEYO and SHERRY DEYO

TO
DENNIS P. DEYO

SECTION 14 BLOCK 2 LOT 1

RECORD AND RETURN TO:

JERALD FIEDELHOLTZ, P.E.
PO BOX 4088
NEW WINDSOR, NY 12553

CONTROL NO. 50358 DATE 12-23-93 CHECK CASH CHARGE

INSTRUMENT TYPE: DEED ✓ MORTGAGE SATISFACTION ASSIGNMENT OTHER

BG20 Blooming Grove
CH22 Chester
CO24 Cornwall
CR26 Crawford
DP28 Deerpark
GO30 Goshen
GR32 Greenville
HA34 Hamptonburgh
HI36 Highland
MK38 Minisink
ME40 Monroe
MY42 Montgomery
MH44 Mount Hope
NT46 Newburgh (T)
NW48 New Windsor ✓
TU50 Tuxedo
WL52 Walkill
WK54 Warwick
WA56 Wawayanda
WO58 Woodbury

MN09 Middletown
NC11 Newburgh
PJ13 Port Jervis
9999 Hold

RECEIVED
\$ 3965
REAL ESTATE
JAN 10 1994
TRANSFER TAX
ORANGE COUNTY

ORANGE COUNTY CLERK'S OFFICE S.S.

Recorded on the 18th day of January 1994 at 4:41
O'Clock P M. in Liber 3966
at page 209 and examined.
John A. Macchi
County Clerk

Mortgage Amount

Exempt Yes No

Received Tax on above Mortgage

Basic \$

MIA \$

Spec. Add. \$

TOTAL \$

MARION S. MURPHY
Orange County Clerk

by:

MORTGAGE TAX \$

TRANSFER TAX \$ 5-

SERIAL NO.

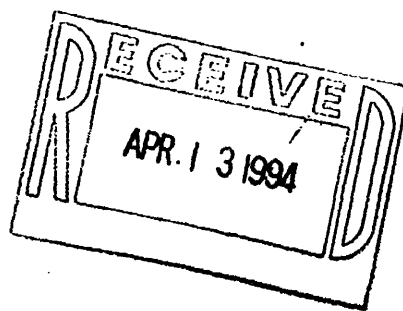
RECORD. FEE \$ 14-

REPORT FORMS \$ 30-

CERT. COPIES \$

DEED

LIBER 3966 PAGE 209



[01]

ORG 01/10/94 04:41:19 1272 44.00

***** EDUCATION FUND: 5.00 *****

DEED CONTROL NO: 50358 .00 *

***** SERIAL NUMBER:

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 23RD day of December . nineteen hundred and ninety three
BETWEEN

DENNIS P. DEYO, residing at RR#5, Todd Lane, Newburgh, New York 12550 and
SHERRY DEYO , residing at 62 Popular Street, Newburgh, New York 12550

party of the first part, and DENNIS P. DEYO, residing at RR#5, Todd Lane,
Newburgh, New York 12550

party of the second part,

WITNESSETH, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the

SEE SCHEDULE "A" ATTACHED

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF:

Dennis P. Deyo
DENNIS P. DEYO

Sherry Deyo
SHERRY DEYO

LIBER 3966 PAGE 210

lying and being in the Town of New Windsor, Orange County, New York, and bounded and described as follows, to wit:

XD
KB
DC

BEGINNING at an iron bolt in Plympton Street distant 200 feet northerly from an iron bolt set in the ground in said Plympton Street at the northwest corner of lands now or formerly owned by Anna E. Swain and runs thence as the needle pointed in the year 1898 south 77° and 45' east for 279.8 feet to an iron bolt set in the ground, thence north 9° and 31' east passing 10.8 feet east of the south east corner of the frame house on the lot hereby intended to be conveyed, for about 139 1/2 feet to the southerly line of Mill Property now or formerly owned by Mrs. Harriet Weed, thence according to the lines described in a Deed from Walter C. Anthony, Referee, south 65° and 15' west about 113.3 feet to a sycamore tree, thence north 75° west for 2 chains and 82 links to a rock oak sapling marked, thence south 88° and 30' west for 1 chain and 8 links to a bend in the fence on the northerly side of a lane or road, thence south 66° and 15' east for 75 links along the northerly side of said lane or road, thence southerly along said lane or road about 80 feet to the said bolt at the place of beginning, containing .67 of an acre more or less, being according to a survey made by Everett Garrison, C. E. on December 5, 1904.

BEING and intended to be the same premises described in a certain deed by CLARA HUDIG, as surviving tenant by the entirety, who acquired titled by deed dated May 25, 1944 made by William Hudig, Anna Bidosky, Dorothy Denick, Margaret Zilavy, Julia McCurry and Andrew Hudig and recorded in the Orange County Clerk's Office on May 26, 1944 in Liber 931 of Deeds at page 367.

The premises being further described according to a survey dated 3/10/82, made by Anthony D. Valdina, N.Y.S. Lic. # 49120, as follows:

ALL that certain piece or parcel of land lying, situate and being in the Town of New Windsor, County of Orange and State of New York, bounded and described as follows:

BEGINNING at a point on the easterly line of Plympton Street, said point being 200' northerly measured along said street from the northwest corner of lands formerly of Anne E. Swain; and running thence, N 06° 43' 40" W 78.69' to a point; thence, N 62° 00' W 53.60' to a point in the southerly line of lands now or formerly of Salvatore Schisano; thence, along said line of Schisano the following three (3) courses;

1) S 87° 15' E 71.28' to a point;

2) S 70° 45' E 186.12' to a point;

3) N 69° 30' E 113.30' to a point at the northwesterly corner of lands now or formerly of the American Felt and Filter Company; thence, along the westerly line of said American Felt and Filter Company, S 09° 31' W 139.50' to a point at the northeasterly corner of lands now or formerly of Henry P. Sloboda; thence, along the northerly line of said Sloboda, N 77° 45' W 279.80' to the point or place of beginning.

LIBER 3966 PAGE 212

SCHEDULE "A"

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 22 day of December 19 93, before me personally came

DENNIS P. DEYO

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.


NOTARY PUBLIC - STATE OF NEW YORK

YVETTE PAGAN
Notary Public, State of New York
Qualified in Orange County
Reg. # 5019573

Commission Expires October 28, 1995

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came to me known, who, being by me duly sworn, did depose and say that he resides at No.

that he is the of

, the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 23rd day of December 19 93, before me personally came

SHERRY DEYO

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that she executed the same.


NOTARY PUBLIC - STATE OF NEW YORK

SUSAN R. STEINBERG #4520728
NOTARY PUBLIC, State of New York
Qualified in Orange County
Commission Expires July 31, 1994

Acknowledgment by Attorney in Fact

State of New York
County of

ss.:

On this day of , 19 , before me personally came

to me personally known to be the person described and appointed attorney in fact in such and by a certain power of attorney executed by

dated , 19 , and recorded in the Office of the Clerk of County on the day of , 19 , [or to be recorded in the Office of the of County simultaneously with the foregoing instrument] and acknowledged to me that he had executed the foregoing instrument as the act of the said

BARGAIN AND SALE DEED
WITH COVENANT AGAINST GRANTOR'S ACTS
TITLE NO.

DENNIS P. DEYO and SHERRY DEYO

TO

DENNIS P. DEYO

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

AFFIRMATIVE ABSTRACT INC.

P.O. Box 4552
New Windsor, New York 12553

SECTION
BLOCK
LOT
COUNTY OR TOWN

RETURN BY MAIL TO:

Zip No.

B-3290
RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

LIBER 3966 PAGE 211



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4618
Fax: (845) 563-4695

Building Department

April 25, 2001

JT Abstract, Inc.
717 Broadway
Newburgh, NY 12550

PROPERTY ASSESSED TO: Dennis P. Deyo
32 Plympton Street
New Windsor, NY 12553
Section/Block/Lot: 14-2-1

Dear Sirs:

Please be advised that the above referenced structure was built in 1911 which was prior to this Town adopting building and zoning codes in 1966. Therefore, there is no certificate of occupancy nor is one required.

Plympton Street is owned and maintained by the Town of New Windsor.

The Assessor's records indicate the conversion of a bar into an apartment without a Building Permit.

This letter has been prepared after inspection of the records available in the Town Hall. The records indicate that there is a violation at the subject premises. No personal inspection was made by the undersigned for the purpose of preparing this letter. The Town of New Windsor does not represent that there are no other violations at the subject premises, however, the Town will represent that it has no knowledge of any other violations at the subject premises.

The inspection of the records was performed at the request of an interested party. The Town will not be liable for any loss or damage that may be suffered by the interested party or any other party who may rely on the contents of this letter.

Title #9 NYCRR requires that a smoke detector be installed prior to the sale of these premises. Please submit to the Fire Inspector at the above address the enclosed affidavit of compliance indicating that a smoke detector has been installed and is operational.

Very truly yours:

Michael Babcock
Michael Babcock
Building Inspector

MB: jm

in. ready -

14-16-4 (2/87)—Text 12

PROJECT I.D. NUMBER

617.21

SEQR

Appendix C

State Environmental Quality Review

SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR: Dawn D. Christie, Administratrix of Estate of Dennis Pete Deyo	2. PROJECT NAME
3. PROJECT LOCATION: Municipality: Town of New WINDSOR County: ORANGE	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) 32 PLYMPTON STREET	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY:	
7. AMOUNT OF LAND AFFECTED: Initially .51 acres Ultimately .51 acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, describe briefly P-I zone requires use variance for residential use	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input checked="" type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe: Mixed uses	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Dawn D. Christie, Administratrix of the Applicant/sponsor name: Estate of Dennis Pete Deyo Date: 7/24/01 Signature: Dawn D. Christie	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

ART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 8 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.**☐ Yes ☐ No**B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 8 NYCRR, PART 617.8? If No, a negative declaration may be superseded by another involved agency.**☐ Yes ☐ No**C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)****C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:****C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:****C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:****C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:****C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:****C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:****C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:****D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?**☐ Yes ☐ No If Yes, explain briefly**ART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

☐ Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action WILL NOT result in any significant adverse environmental impacts AND provide on attachments as necessary, the reasons supporting this determination:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (if different from responsible officer)

Date